

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 217.6, 217.34, and 252B.5, the Department of Human Services amends Chapter 95, "Collections," and Chapter 98, "Support Enforcement Services," Iowa Administrative Code.

These amendments adjust rules on services provided by the Child Support Recovery Unit for collection of court-ordered support through state and federal offsets to do the following:

- Align to existing provisions in the Iowa Code by removing the criterion of failure to pay current support and delinquent support for 12 consecutive months. This change will broaden the pool of obligors subject to offset and should result in additional collections for families and the state of Iowa.
- Improve customer service by streamlining the return of excess offset funds and offset funds belonging to an unobligated joint owner or unobligated spouse. Verbal requests for the release of the portion of the refund belonging to an unobligated spouse will be allowed. The obligor will not be required to sign a form before excess funds are released.
- Improve customer service by streamlining the notice process and allowing for communication by means other than U.S. mail.
- Align the rules to the streamlined electronic process to notify the Department of Administrative Services when the Department of Human Services issues a preoffset notice.

These amendments do not provide for waivers in specified situations because state statutes, federal statutes, and federal regulations require the Department to offset many government payments owed to individuals for the payment of past-due support. The Department has no authority to waive statutory provisions.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on August 25, 2010, as **ARC 9026B**. The Department received no comments on the Notice of Intended Action. The Department also scheduled four public hearings to receive comments on the Notice of Intended Action. No one attended the hearings. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on October 13, 2010.

These amendments are intended to implement Iowa Code sections 8A.504, 252B.3, 252B.4 and 252B.5(4).

These amendments shall become effective on January 1, 2011.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [95.6, 95.7(8)"b," 98.81] is being omitted. These amendments are identical to those published under Notice as **ARC 9026B**, IAB 8/25/10.

[Filed 10/13/10, effective 1/1/11]

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[For replacement pages for IAC, see IAC Supplement 11/3/10.]